

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.1675 of 2007

Hindustan Petroleum Corporation Ltd.
and ors.

Petitioners

Vs.

Trade Center Developers and Builders
Pvt.Ltd.

Respondent

Mr.N.V.Walawalkar, Senior Counsel h/i/b. Rustamji &
Ginwala for petitioners.

Mr.K.Y.Mandlik for respondents.

CORAM: B.H.MARLAPALLE, J.

March 15, 2007.

P.C.

. This writ petition impugns the decree of
eviction passed by the trial Court and confirmed by
the lower appellate Court under the Rent Act. For
the reasons stated in my order dated 24/8/2006 in
Writ Petition No.4138 of 2006 the Courts below being
subordinate Courts to this Court, a statutory remedy
of filing civil revision application under Section
115 of CPC is available and, therefore, writ petition
need not be entertained.

. Hence the petition is allowed to be withdrawn
with liberty to file civil revision application..

. Annexures to the petition memo be returned

forthwith to the petitioners' counsel, if applied for.

. Mr.Mandlik, the learned counsel for the respondents states that he has filed a caveat and the eviction decree is already a subject matter of execution proceedings. He has also pointed out that though the lower Appellate Court's order was dated 13/11/2006, this petition has been moved before this Court for the first time on 6/3/2007. Rather than inviting an order of protection to be passed by this Court, Mr.Mandlik has given an assurance that the impugned decree will not be put to execution for a period of two days, from today.

(B.H.MARL